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August 17, 2025

CENTRAL DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA**

WESTERN DIVISION

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S NOTICE OF UNRESOLVED
MOTIONS AND PRESERVATION OF
OBJECTION TO JUDGMENT ON A
COMPROMISED RECORD**

NO ORAL ARGUMENT REQUESTED

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TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff Todd R. G. Hill respectfully submits this Notice to create a clear record of foundational motions that remain unresolved while dispositive recommendations have issued. Its limited purpose is to respectfully advise the Court of record-completeness and sequencing concerns, e.g., the Report and Recommendation at Dkt. 348 does not address certain long-pending evidentiary submissions, and to afford the Court an opportunity to align rulings so that de novo review proceeds on a complete record. Plaintiff files this notice to preserve these procedural issues and to facilitate orderly appellate review, if necessary.

I. INTRODUCTION

The current posture of the case reflects an unresolved procedural imbalance: Plaintiff's evidentiary motions remain pending for extended periods while dispositive motions by Defendants have been adjudicated expeditiously. This asymmetry, regardless of intent, creates an appearance that factual submissions material to the controversy are not being given equivalent consideration.

Plaintiff respectfully notices the Court that Plaintiff's Motion for Leave to File the Fifth Amended Complaint (lodged May 22, 2025 at Dkt. 313) has remained under submission without ruling despite full briefing, and Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Dkt. 351, filed July 23, 2025) requiring a de novo determination under 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b).

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1 As of August 15, 2025, approximately 85 days after lodging the proposed pleading, the
2 absence of any ruling or scheduling order operates as a constructive denial, prejudicing Plaintiff by
3 preventing amendment and delaying merits review.
4

5
6 Similarly, as of August 15, 2025, Plaintiff's requests for judicial notice at Dkts. 197, 199, 329,
7 and 332 remain substantively unresolved, despite being filed months before rulings on Defendants'
8 motions to dismiss. The result is that dispositive recommendations and rulings have proceeded on a
9 record that omits evidence Plaintiff has properly placed before the Court.
10

11 The Magistrate's Report and Recommendation (Dkt. 348) illustrates the resulting prejudice. It
12 recommended dismissal without addressing Plaintiff's pending evidentiary motions, thereby allowing
13 dispositive conclusions to rest on an incomplete record. This is not a matter of outcome alone but of
14 process, where the absence of a ruling on record-development motions has tangible effects on the
15 fairness of adjudication.
16

17
18 While Plaintiff's comprehensive legal and factual objections to the Magistrate's Report and
19 Recommendation are detailed in Docket 351, this final notice is filed for the limited purpose of
20 isolating the R&R's most critical structural defect: its complete failure to adjudicate, or even
21 acknowledge, the foundational evidentiary motions at Dkts. 197, 199 and others. This omission is not
22 a mere oversight; it is the culmination of a nine-month pattern of procedural avoidance and is, in
23 itself, dispositive evidence of a compromised adjudicative process.
24
25

26
27 This sustained inaction prejudices the parties by forcing litigation on an incomplete record,
28 **without reducing the inevitable discovery burdens on third parties** whose conduct is documented
in the public records already submitted to the Court.

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1 Canon 2 of the Code of Conduct for United States Judges and 28 U.S.C. § 455(a) both
2 underscore that the appearance of procedural imbalance undermines public confidence in judicial
3 integrity. Here, the continued absence of rulings on Plaintiff's evidentiary submissions reasonably
4 gives rise to such an appearance.
5

6
7 Deferral has substantive impact. Evidence relevant to tolling, regulatory oversight, and
8 judicial admissions remains outside the record at the very stage where it is most probative. Each
9 month of delay compounds prejudice by requiring oppositions to be filed on an incomplete basis,
10 increasing duplication of briefing, and exposing Plaintiff to statute of limitations defenses. These are
11 not abstract harms but concrete effects documented in this case.
12

13
14 If the Court ultimately treats the pending judicial notice motions as immaterial, moot, or by
15 relegating them to cursory reference, such treatment will not mitigate the prejudice but confirm it.
16 Proper adjudication requires either incorporation of the materials into the record or reasoned
17 explanation for their exclusion, so that meaningful review, both at this level and on appeal, remains
18 possible.
19

20
21 In sum, the present record reflects an unresolved procedural imbalance. Until the evidentiary
22 motions are addressed, dispositive rulings necessarily proceed in the absence of a complete record, a
23 circumstance that by its nature impairs both fairness to the litigant and confidence in the process.
24

25 Plaintiff expressly preserves all rights under Federal Rules of Civil Procedure 59(e) and 60, as
26 well as 28 U.S.C. § 1291 and related doctrines, to assert this as an unresolved procedural defect if not
27 corrected.
28

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1 **II. THE COMPROMISED PROCEDURAL RECORD**

2 As of August 15, 2025, Plaintiff's judicial notice requests (Dkts. 197, 199, 329, and
3 332) remain pending without substantive or clarifying ruling. Each of these requests presents
4 documentary evidence central to the underlying controversy, including admissions by Defendants and
5 public records disclosed through the California Public Records Act. Despite their direct relevance to
6 Defendants' motions to dismiss, these judicial notice requests have not been adjudicated, while
7 Defendants' motions and replies have advanced without comparable delay.
8
9

10 Notably, the Magistrate's Report and Recommendation (R&R) at Docket 348 recommends
11 denying Dkt. 329 but is silent on the others, meaning none have been definitively adjudicated by the
12 Court in a way in which the Plaintiff, a Defendant, or observer would be able to evaluate or
13 understand exactly what facts are on record or have been considered by the Court relevant to issuance
14 of dispositive rulings.
15
16

17 The effect of this selective engagement is that material facts remain excluded from the
18 operative record at precisely the stage where they are most probative. Plaintiff is thereby deprived of
19 the benefit of a complete evidentiary record when opposing dispositive motions. This is not a matter
20 of speculation: the prejudice is concrete. Defendants are permitted to argue from an incomplete
21 record while Plaintiff's requests to supplement the record languish unresolved.
22
23

24 Such asymmetry, even if unintentional, creates an appearance of procedural avoidance. The
25 governing standards are clear. Canon 2 of the Code of Conduct for United States Judges requires that
26 judges avoid even the appearance of impropriety. Likewise, 28 U.S.C. § 455(a) provides that a judge
27 "shall disqualify himself in any proceeding in which his impartiality might reasonably be
28

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1 questioned.” The appearance here is unmistakable: dispositive rulings are permitted to proceed while
2 Plaintiff’s evidentiary submissions are left unanswered.
3

4 Plaintiff does not suggest bad faith. But the cumulative effect of unresolved judicial notice
5 requests and selective docket engagement is indistinguishable, to a reasonable observer, from a
6 system in which inconvenient facts are being avoided rather than adjudicated. That appearance alone
7 undermines public confidence in the fairness of these proceedings and creates substantial risk of
8 appellate reversal.
9

10 11 **A. CHRONOLOGY AS EVIDENCE OF PROCEDURAL ASYMMETRY** 12

13 Plaintiff’s judicial notice request at Dkt. 197 was filed November 7, 2024. Over ten months later, it
14 remains effectively pending without clear substantive ruling. Notably, the filing was unopposed, and
15 the Court’s order dismissing the Third Amended Complaint expressly acknowledged its contents
16 “insofar” as they assisted Plaintiff in constructing a Fourth Amended Complaint. Yet the Report and
17 Recommendation presented in Dkt. 348 failed to address the request altogether, proceeding to
18 recommend dismissal as though the materials were absent from the record. This omission illustrates
19 the precise prejudice Plaintiff has identified: dispositive findings being advanced on an incomplete
20 record, leaving Plaintiff to brief and preserve claims without the benefit of evidence already before
21 the Court.
22

23 In that same interval, Defendants’ motions to dismiss (Dkts. 263, 270) were fully briefed and
24 ruled upon.
25

26 Compounding this imbalance, Plaintiff’s Rule 15 motion seeking leave to file the proposed
27 Fifth Amended Complaint has also been left unresolved. While Defendants’ motions to dismiss have
28

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1 been promptly briefed and considered, Plaintiff's request for leave to amend, governed by a liberal
2 standard under *Foman v. Davis*, 371 U.S. 178, 182 (1962), has not received substantive engagement.
3
4 The result is a chronology in which Defendants' efforts to foreclose claims advance unimpeded,
5 while Plaintiff's efforts to cure or clarify pleadings are effectively frozen. This selective sequencing
6 magnifies the appearance of asymmetry and ensures that dismissal recommendations proceed on an
7 artificially narrowed record.
8

9
10 **B. ASYMMETRICAL APPLICATION OF RULES.**

11 Local Rule 7-3's meet-and-confer requirement was excused for Defendants despite evidence
12 that their motion was pre-drafted and not negotiated in good faith (see Dkt. 350). By contrast,
13 Plaintiff's adherence to procedural rules has been scrutinized strictly. The disparate enforcement of
14 the same rule is itself evidence of procedural imbalance.
15

16 **C. IGNORED JUDICIAL ADMISSIONS.**

17 Defendant Spiro admitted in his Answer (Dkt. 41) that he altered academic transcripts for one
18 student. This constitutes a judicial admission. Yet dispositive motions proceed as though this
19 admission is absent from the record. Such omissions distort the factual foundation of adjudication.
20
21

22 **D. PREJUDICE IN REAL TIME COMPOUNDS OVER TIME.**

23 By withholding rulings on Plaintiff's judicial notice requests (Dkts. 197, 199, 329, 332), the
24 Court has ensured that dispositive briefing occurs on an incomplete record. The harm is immediate:
25 Plaintiff is deprived of the opportunity to respond to motions with a fully developed evidentiary
26 record, while Defendants are permitted to argue as though critical documents do not exist.
27
28

1 The prejudice from this selective silence is not limited to increased briefing burdens. Several
2 of Plaintiff's claims rely on tolling evidence contained in the judicial notice materials, including
3 documents establishing concealment, delayed discovery, and procedural irregularities. By declining
4 to resolve these requests, the Court leaves Plaintiff exposed to statute of limitations defenses that
5 could have been neutralized by timely incorporation of evidence already before the Court. Delay in
6 adjudication thus does more than inconvenience Plaintiff; it materially threatens the survival of
7 claims on purely procedural grounds, despite the existence of supporting tolling evidence in the
8 record.
9

10
11
12 The Court cannot plausibly claim lack of cognizance related to this issue.
13

14 **E. CONTROLLING AUTHORITY FACIALLY IGNORED.**

15 The Ninth Circuit has cautioned that selective engagement with the record is impermissible.
16 *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1003 (9th Cir. 2018) (presented in support of the
17 principle that Courts must not take an improper shortcut by selectively considering documents that
18 undermine a complaint, while ignoring documents that support it.). Likewise, *Foman v. Davis*, 371
19 U.S. 178 (1962), requires leave to amend to be freely given absent specific and articulated reasons.
20 Plaintiff's motions squarely fall within this settled precedent.
21

22
23 **F. INSTITUTIONAL INTEGRITY.**
24

25 Canon 2 of the Code of Conduct for United States Judges and 28 U.S.C. § 455(a) both
26 emphasize that judges must avoid the appearance of impropriety. The cumulative effect here
27 manifests as pending motions unresolved for months, judicial admissions overlooked, and procedural
28 rules unevenly applied which creates precisely that appearance.

1 Taken together, these factors show more than ordinary docket management within the bounds
2 of neutral adjudication within the norms of inherent judicial authority; they demonstrate that silence
3 and selective engagement have produced both actual prejudice to Plaintiff and an appearance of
4 impropriety under binding standards.
5

6
7 An exemplar here is Docket 290.
8

9 Docket 290 is the plaintiff's "Notice of Clarification and Supplemental Request for Judicial
10 Notice," which was filed on April 22, 2025. This document was submitted in support of Docket 272,
11 the plaintiff's opposition to the defendants' motion to dismiss the Fourth Amended Complaint. A
12 significant feature of this filing is the 14-day delay between its submission on April 22 and its official
13 entry onto the docket on May 6, 2025. The Magistrate Judge's Report and Recommendation at
14 Docket 348 ultimately recommended that this request for judicial notice be denied.
15

16
17 The procedural history of the case contains notable discrepancies in the timing of filings and
18 court orders. For example, on April 22, 2025, the plaintiff filed a supplemental request for judicial
19 notice (Dkt. 290) to support his opposition to a pending motion to dismiss. Three days later, on April
20 25, 2025, the Court issued a dispositive order (Dkt. 277) denying the plaintiff's motion for
21 reconsideration of a prior dismissal. However, the plaintiff's supplemental filing from April 22 was
22 not officially entered onto the docket until May 6, 2025, a delay of 14 days. This timeline indicates
23 that the Court's order at Docket 277 was issued while the plaintiff's supplemental evidence at Docket
24 290 was pending but not yet officially part of the reviewable record, creating the appearance that the
25 ruling was made on incomplete information.
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1 The docket record demonstrates that the defendants' numerous motions to dismiss were
2 consistently met with prompt minute orders from the Magistrate Judge setting clear briefing
3 schedules and deadlines, often within a day or two of filing.
4

5
6 In contrast, as Plaintiff has extensively documented, critical, and often unopposed, evidentiary
7 motions (like Dkts. 197 and 199) were allowed to languish for months without any scheduling order
8 or ruling, even as the defendants' motions were being actively managed and decided.
9

10 **III. PREJUDICE TO THE PLAINTIFF IS MANIFESTS AND NOT**
11 **SPECULATIVE**

12 The Court's continued silence on Plaintiff's judicial notice requests (Dkts. 197, 199, 329, 332)
13 imposes prejudice in both form and substance. This prejudice is exemplified by the Report and
14 Recommendation at Dkt. 348, which recommended dismissal while omitting any analysis of the
15 pending judicial notice materials. Dispositive issues were thus advanced on an incomplete record,
16 forcing Plaintiff to brief and object without the benefit of evidence already before the Court. This
17 asymmetry permits Defendants to argue as though critical documents do not exist, while Plaintiff
18 must expend additional resources preparing duplicative filings to preserve claims. The uncertainty
19 also compounds the risk of statute of limitations defenses, as several claims depend on tolling
20 evidence contained in the unresolved judicial notice materials. The combined effect is a distorted
21 record, increased litigation burden, and potential forfeiture of claims through no fault of Plaintiff, all
22 traceable to the Court's non-ruling.
23
24
25

26
27 The prejudice resulting from the Court's continued non-ruling on Plaintiff's judicial notice
28 requests is concrete and ongoing:

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1 **A. PREJUDICE FROM UNRESOLVED JUDICIAL NOTICE REQUESTS AND AN**
2 **INCOMPLETE RECORD**

3 First, dispositive briefing has proceeded on an incomplete record. Plaintiff's requests at Dkts.
4 197, 199, 329, and 332 sought judicial notice of documents that directly contradict Defendants'
5 narrative, including (a) sworn admissions by Defendant Spiro regarding transcript alterations, (b)
6 internal State Bar emails acknowledging regulatory violations, and (c) public records produced
7 pursuant to the California Public Records Act (CPRA). Without rulings on these requests, Plaintiff's
8 oppositions to Defendants' Rule 12(b)(6) motions were necessarily prepared and filed without the
9 benefit of these materials being part of the operative record.
10
11

12 **B. DISTORTION OF THE EVIDENTIARY BALANCE**

13 Second, the absence of rulings distorts the evidentiary balance. Defendants have been
14 permitted to argue as though the requested documents do not exist, citing to the silence of the docket
15 as though it were proof of irrelevance. This asymmetry is not hypothetical: Defendants' briefs rely on
16 an evidentiary landscape from which Plaintiff's proffered documents have been omitted, while no
17 comparable limitation has been imposed on Defendants.
18
19
20

21 **C. IMPAIRMENT OF THE APPELLATE RECORD**

22 Third, Plaintiff is deprived of the opportunity to create a complete appellate record. Judicial
23 notice rulings—whether granted or denied—are ordinarily subject to review on appeal. By leaving
24 the motions unresolved, the Court effectively forecloses appellate review of the very evidence most
25 probative of Defendants' misconduct. This denial of reviewability compounds the prejudice already
26 suffered at the trial level.
27
28

1 **D. OBSTRUCTION OF TARGETED DISCOVERY**

2 Fourth, delay in resolving these motions undermines Plaintiff's ability to seek targeted
3 discovery. The judicial notice requests contain admissions and regulatory documents that, if admitted,
4 would narrow the scope of discovery and identify custodians and categories of records for
5 production. By deferring rulings, the Court prevents Plaintiff from tailoring discovery requests to the
6 facts already acknowledged in the documents at issue.
7
8

9 **E. RECORD INCONGRUITY GIVES RISE TO THREE DISTINCT AND**
10 **COMPOUNDING FORMS OF PREJUDICE**

11 Fifth, the Magistrate Judge's Report and Recommendation (R&R) at Docket 348 contains a
12 notable incongruity regarding the plaintiff's discrimination-related claims. While the R&R ultimately
13 recommends dismissing the complaint, which includes a cause of action under the Unruh Civil Rights
14 Act, it also expressly acknowledges the existence of a "racial component" in the factual background
15 of the case. That acknowledgment is highly incongruent and creates a significant issue for the Court.
16 The Magistrate's admission of a "racial component" in the R&R (Dkt. 348) directly contradicts the
17 Court's prior order (Dkt. 248) dismissing Equal Protection and other civil rights claims from the
18 Third Amended Complaint **with prejudice**. This acknowledgment appears inconsistent with the
19 earlier recommendation to dismiss a federal claim predicated on racial discrimination, as it suggests a
20 plausible factual basis for the very claim the previous R&R sought to foreclose. This internal
21 contradiction creates an ambiguity in the prior R&R's reasoning, as it simultaneously presents a
22 finding that could support the plausibility of a prior claim while recommending that claim's dismissal
23 for failure to state a claim.
24
25
26
27
28

 This contradiction creates three distinct, compounding forms of prejudice against the plaintiff.

1 1. It Undermines the Finality of the Prior Dismissal:

2
3 The Court's order at Docket 248, dismissing the Equal Protection claims *with prejudice*, was a
4 final judgment on that issue for purposes of the Court's current proceeding. By now introducing a
5 judicial acknowledgment of a "racial component" (Dkt. 348), the Magistrate has retroactively
6 weakened the basis for that final judgment. This is prejudicial because it creates an internal
7 conflict in the Court's own record, forcing the plaintiff to contend with a moving target where
8 settled issues are unsettled by the Court's own subsequent findings and he is precluded from
9 pursuing cognizable claims supported by the record.
10
11

12 2. It Creates a Logical Impasse for Current Claims:

13
14 For the claims the R&R was evaluating, such as the Unruh Civil Rights Act claim, the
15 prejudice is immediate. The R&R simultaneously acknowledges a key fact that supports the
16 plausibility of the claim (the "racial component") while recommending its dismissal. This forces
17 the plaintiff into a "Catch-22," forcing him to argue against a recommendation that is
18 foundationally at odds with its own factual admission and the earlier record.
19
20

21 3. It Contaminates the Record for Appeal

22
23 Most importantly, this creates a prejudicial and ambiguous record for appellate review. The
24 Ninth Circuit will be faced with a trial court record that, on the one hand, dismisses discrimination
25 claims with prejudice, and on the other hand, acknowledges a factual basis for them. This
26 inconsistency is the essence of prejudice, as it suggests to the reasonable party that the Court's
27
28

1 decision-making is arbitrary and outcome-driven rather than the result of a neutral application of law
2 to fact.
3

4 In sum, the prejudice is not speculative or abstract. It manifests in five specific, compounding
5 ways: (1) forcing Plaintiff to file oppositions on an incomplete record; (2) allowing defendants to
6 leverage the Court's omissions as a litigation tactic; (3) foreclosing meaningful appellate review of
7 the un-ruled upon motions; (4) obstructing targeted discovery planning; and (5) enabling the issuance
8 of a dispositive Report and Recommendation (e.g., Dkt. 348) that recommends a case-ending
9 dismissal based on this same incomplete record. Each of these prejudicial effects is documented in
10 the docket and arises directly from the Court's failure to adjudicate Plaintiff's judicial notice, leave to
11 amend, or other requests.
12
13
14

15 IV. CONCLUSION

16 The docketed procedural history reflects that certain foundational motions remain unresolved
17 while dispositive recommendations have issued. In particular, the Report and Recommendation at
18 Dkt. 348 does not address several long-pending evidentiary submissions, raising record-completeness
19 and sequencing concerns. Plaintiff respectfully submits that any dispositive determination is best
20 made on a record in which threshold evidentiary questions have been resolved so that de novo review
21 proceeds on a complete and coherent footing. This notice memorializes those issues, requests
22 alignment of rulings as appropriate, and preserves the matters for further review.
23
24
25

26 Plaintiff must note that the evidence contained in the pending judicial notice motions
27 (including Dkts. 197, 199) is offered as relevant to the statute of limitations through the doctrine of
28 equitable tolling. A ruling on this evidence may be a necessary prerequisite to any final determination

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1 on timeliness, raising the question of whether a subsequent finding of mootness would be
2 procedurally appropriate.
3

4 Furthermore, the Court's evaluation of Plaintiff's motion for leave to file a Fifth Amended Complaint
5 may depend on its consideration of the evidence presented in the unresolved judicial notice requests.
6 A recommendation to deny leave to amend on the grounds of futility, without a ruling on the
7 evidence that the proposed complaint relies upon, could create a significant issue for review.
8

9 The cumulative effect of these unresolved matters may constitute prejudicial error because the
10 current record has required Plaintiff to brief dispositive motions without the benefit of a ruling on the
11 admissibility of his proffered evidence or curative filings, creating a potential for harm that may not
12 be considered harmless on appeal, as argued most recently in Dockets 351 and 356, and further
13 clarified above.
14

15
16 Respectfully submitted,

17 
18
19

20 **Todd R. G. Hill**
21 **Plaintiff, In Propria Persona**

22 Dated: August 17, 2025
23

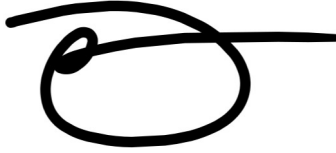
24 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**
25

26 The undersigned party certifies that this brief contains 3,424 words, which complies with the 7,000-
27 word limit of L.R. 11-6.1.

28 Respectfully submitted,

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August 17, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,



August 17, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona